

Income-Eligible Child-Care Programs

SECTION308.XXXTABLE OF CONTENTS

<u>308.100</u>	<u>Objectives of the Income-Eligible Child-Care Programs</u>
<u>308.110</u>	<u>At-Risk Child-Care Program Eligibility</u>
<u>308.120</u>	<u>Child Care and Development Block Grant Program and State-Funded Income- Eligible Child-Care Program</u>
<u>308.130</u>	<u>Authorization of At-Risk Child-Care Benefits, Child Care and Development Block Grant Benefits and State-Funded Income-Eligible Child-Care Benefits</u>
<u>308.140</u>	<u>Eligible Providers</u>
<u>308.150</u>	<u>Payment for Child-Care Services</u>
<u>308.160</u>	<u>Verifications</u>
<u>308.170</u>	<u>Termination or Denial of Child-Care Services</u>
<u>308.180</u>	<u>Right to a Fair Hearing</u>
<u>308.190</u>	<u>Nondiscrimination</u>

308.100: Objectives of Income-Eligible Child-Care Programs

The At-Risk Child-Care Program provides assistance to low-income families who need child care to accept or maintain employment if they would otherwise be at risk of becoming eligible for TAFDC.

The Child Care and Development Block Grant Program provides assistance to low-income families who need child care to accept or continue with educational, vocational or training programs and/or to accept or maintain employment.

The State-Funded Income-Eligible Child-Care Program provides assistance to low-income families who need child care to accept or continue with educational, vocational or training programs and/or to accept or maintain employment or to provide support services to the incapacitated parent.

Assistance through these programs shall be provided subject to available funding.

308.110: At-Risk Child-Care Program Eligibility

A family is eligible for the At-Risk Child-Care Program when the family meets the conditions described in the following sections:

- (A) Family Definition - The family includes the individuals who reside in the same household and are dependent upon the family income. The term "dependent" describes persons who receive at least half their support from the family income or who contribute more than half their income toward the support of the family.

A family includes all adults and children related by blood, marriage, or adoption and the adult exercises care and control of the child(ren).

The following persons are not included in the above definition of family and will constitute a separate family:

- (1) an adult relative who is not the applicant for or recipient of At-Risk Child-Care services and who is not legally responsible for the support of the child(ren) receiving such care, such as grandparent, sibling, aunt or uncle; and
- (2) a teen parent applying for child-care services who is an emancipated minor. A teen parent is emancipated by marriage, military service or a court order.

- (B) Family Eligibility - A family is eligible for At-Risk Child Care when the family:

- (1) needs child care for the parent(s) or caretaker of the eligible child(ren) described in 106 CMR 308.110(C) to accept or maintain employment. At-Risk Child Care is not available for education, training or job search activities even if such activities are necessary to enable a parent to obtain employment;

Income-Eligible Child-Care Programs

- (2) is not receiving or eligible for TAFDC benefits; and
 - (3) is at risk of becoming eligible for TAFDC. A family is considered at risk of becoming eligible for TAFDC if at least one of the following applies:
 - (a) the employed parent or caretaker is a former AFDC or TAFDC recipient whose 12-month period for transitional child care benefits, in accordance with 106 CMR 207.210(A)(2), has been exhausted; or
 - (b) the employed parent or caretaker lacks child care or is at risk of losing child care which could result in a loss of income that could make the family eligible for TAFDC.
- (C) Child Eligibility - A child is eligible for At-Risk Child Care when:
- (1) the child meets the requirements of 106 CMR 308.160(B) and (C) and is a member of a family meeting the requirements of 106 CMR 308.110(B); and
 - (2) the child is under age 13; or
 - (3) the child is age 13 but under age 19 and:
 - (a) is physically or mentally incapable of caring for himself or herself as certified by a competent medical authority as defined in 106 CMR 701.600; or
 - (b) is under court supervision.
- (D) Income Eligibility - A family is eligible for At-Risk Child Care when the family:
- (1) has monthly countable income (see 106 CMR 308.160(F)) below 50 percent of the monthly state median income in accordance with the state subsidized sliding fee scale at 110 CMR 7.075 and 7.076 for families of the same size. A family determined eligible for and receiving At-Risk Child Care will continue to be eligible until its monthly countable income exceeds 75 percent of the monthly state median income in accordance with the state subsidized sliding fee scale at 110 CMR 7.075 and 7.076 for families of the same size; or

Income-Eligible Child-Care Programs

Rev. 12/93

(1 of 3)

Chapter 308

Page 308.120

- (2) has a monthly countable income (see 106 CMR 308.160(F)) below 75 percent of the monthly state median income in accordance with the state subsidized sliding fee scale at 110 CMR 7.075 and 7.076 for families of the same size when there is a child with a disability certified by a competent medical authority or the child receives or is eligible to receive early intervention services or 766 services. A family determined eligible for or receiving At-Risk Child-Care services will continue to be eligible until its monthly countable income exceeds 100 percent of the monthly state median income in accordance with the state subsidized sliding fee scale at 110 CMR 7.705 and 7.076 for families of the same size.

- (E) Residence - To be eligible for At-Risk Child Care the family, as described in 106 CMR 308.110(A), and its child, as described in 106 CMR 308.110(C), must reside together in Massachusetts with the intent of making their home in Massachusetts.

308.120: Child Care and Development Block Grant Program and State-Funded Income- Eligible Child-Care Program

A family is eligible for the Child Care and Development Block Grant Program or the State-Funded Income-Eligible Child-Care Program when the family meets the conditions described in the following sections:

- (A) Family Definition - The family includes the individuals who reside in the same household, and are dependent upon the family income. The term dependent describes persons who receive at least half their support from the family income or who contribute more than half their income toward the support of the family.

- (1) A family includes:

- (a) the adults and children related by blood, marriage or adoption;
- (b) an adult(s) who is the legal guardian of the child(ren); or
- (c) a person(s) acting as the parent(s) of the child(ren).

- (2) The following persons are not included in the above definition of family and will constitute a separate family:

- (a) an adult relative who is neither the applicant or recipient of Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services nor legally responsible for the support of the child, such as grandparents, siblings, aunt or uncle;
- (b) a teen parent applying for child-care services who is an emancipated minor. A teen parent is emancipated by marriage, military service or a court order; or
- (c) a child living with unrelated persons, as foster parents.

Income-Eligible Child-Care Programs

(B) Family Eligibility -

- (1) A family is eligible for Child Care and Development Block Grant when the family:
 - (a) needs child care for the parent or caretaker of the eligible child(ren) to continue employment or to accept or continue with the job training, educational, or vocational program, in accordance with 106 CMR 308.160(G), that leads to employment, to accept or maintain employment or both. Child Care and Development Block Grant is available for the parent or caretaker to participate in job search activities.
- (2) A family is eligible for State-Funded Income-Eligible Child Care when the family:
 - (a) needs child care for the parent or caretaker of the eligible child(ren) to continue employment or to accept or continue with the job training, educational, or vocational program, in accordance with 106 CMR 308.160(G), that leads to employment, to accept or maintain employment or both. State-Funded Income-Eligible Child Care is available for the parent or caretaker to participate in job search activities; or
 - (b) needs child care to provide support services to the parent or caretaker who is physically, medically or emotionally incapable of providing proper care to the child, as certified by a competent medical authority as defined in 106 CMR 701.600. The parent or caretaker must be incapable of providing 24-hour care to the child and child-care arrangements must be established for the remaining hours.

(C) Child Eligibility - A child is eligible for Child Care and Development Block Grant or State-Funded Income-Eligible Child Care when:

- (1) the child meets the requirements of 106 CMR 308.160(B) and (C) and is a member of a family meeting the requirements of 106 CMR 308.120(B); and
- (2) the child is under age 13; or
- (3) the child is age 13 but under age 19 and:
 - (a) is physically or mentally incapable of caring for himself or herself as certified by a competent medical authority as defined in 106 CMR 701.600; or
 - (b) is under court supervision.

Income-Eligible Child-Care Programs

Rev. 12/93

(3 of 3)

Chapter 308

Page 308.120

- (D) Income Eligibility - A family is eligible for Child Care and Development Block Grant or State-Funded Income-Eligible Child Care when the family:
- (1) has monthly countable income (see 106 CMR 308.160(F)) below 50 percent of the monthly state median income in accordance with the state subsidized sliding fee scale at 110 CMR 7.075 and 7.076 for families of the same size. A family determined eligible for or receiving Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services will continue to be eligible until its monthly countable income exceeds 75 percent of the monthly state median income in accordance with the state subsidized sliding fee scale at 110 CMR 7.075 and 7.076 for families of the same size; or
 - (2) has monthly countable income (see 106 CMR 308.160(F)) below 75 percent of the monthly state median income in accordance with the state subsidized sliding fee scale at 110 CMR 7.075 and 7.076 for families of the same size when there is a child with a disability certified by a competent medical authority or the child receives or is eligible to receive early intervention services or 766 services. A family determined eligible for or receiving Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services will continue to be eligible until its monthly countable income exceeds 100 percent of the monthly state median income in accordance with the state subsidized sliding fee scale at 110 CMR 7.075 and 7.076 for families of the same size.
- (E) Residency - To be eligible for Child Care and Development Block Grant or State-Funded Income-Eligible Child Care the family, as described in 106 CMR 308.120(A), and the child, as described in 106 CMR 308.120(C), must reside together in Massachusetts with the intent of making their home in Massachusetts.

Income-Eligible Child-Care Programs

308.130: Authorization of At-Risk Child-Care Benefits, Child Care and Development Block Grant Benefits and State-Funded Income-Eligible Child-Care Benefits

- (A) Child-care benefits and services shall be arranged through the Department or a designated contractor under contract with the Department.
- (B) Child-care rates shall be determined by the Department.
- (C) Child-care services are subject to available funding.
- (D) An eligible family may select formal or informal child-care services.
 - (1) Formal child-care services are provided by child-care providers who are licensed by the Office for Children and/or have a provider agreement with a Child Care Resource Agency (CCRA);
 - (2) Informal child-care services are provided by independent child-care providers who shall be registered with the CCRA. Informal child-care services are arranged directly by the parent or caretaker. The provider shall be a relative as specified in 106 CMR 308.140(D) or (E), or shall provide care in the child's home.
- (E) At-Risk Child-Care benefits shall be authorized for an eligible child:
 - (1) for a period of time needed for the parent(s) or caretaker to work including time to travel to and from work and to and from the child-care provider;
 - (2) based on the actual number of days that care is needed;
 - (3) for a full-day or a half-day period of care. Full-day care is at least six hours but not more than ten hours of care per day per child and half-day care is less than six hours of care per day per child. The authorization may not exceed 50 hours per week per child;
 - (4) for up to two weeks prior to the start of employment when needed to secure child-care placement or as of the scheduled start date of the employment or the date when benefits are requested, whichever is later; and
 - (5) for up to one month during a break in employment when subsequent employment is scheduled to begin and when child-care arrangements would otherwise be lost.

Income-Eligible Child-Care Programs

- (F) Child Care and Development Block Grant benefits shall be authorized for an eligible child:
- (1) for a period of time needed for the parent or caretaker to work or to attend an educational, vocational or training program, or both, including time to travel to and from work, the educational, vocational, or training activity or both and to and from the child-care provider;
 - (2) based on the actual number of days that care is needed;
 - (3) for a full-day or a half-day period of care. Full-day care is at least six hours but not more than ten hours of care per day per child and half-day care is less than six hours of care per day per child. The authorization may not exceed 50 hours per week per child; and
 - (4) as of the start date of the educational, vocational or training program, the start date of the employment or the date when benefits are requested, whichever is later; and
 - (5) for a period of care for up to eight consecutive weeks for the parent or caretaker to be active in job search activities.
- (G) State-Funded Income Eligible Child-Care benefits shall be authorized for an eligible child:
- (1) for a period of time needed for the parent or caretaker to work or to attend an educational, vocational or training program, or both, including time to travel to and from work, the educational, vocational, or training activity or both and to and from the child-care provider;
 - (2) based on the actual number of days that care is needed;
 - (3) for a full-day or a half-day period of care. Full-day care is at least six hours but not more than ten hours of care per day per child and half-day care is less than six hours of care per day per child. The authorization may not exceed 50 hours per week per child;
 - (4) as of the start date of the educational, vocational or training program, the start date of the employment or the date when benefits are requested, whichever is later;
 - (5) for six but not more than ten hours of care per day, as certified by a competent medical authority, until the parent or caretaker is physically, medically or emotionally capable of providing proper care to the child(ren); and
 - (6) for a period of care for up to eight consecutive weeks for the parent to be active in job search activities.

308.140: Eligible Providers

- (A) All providers of formal child care for At-Risk Child Care, Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services are subject to the Office for Children licensing and/or registration requirements applicable to the type of care provided by them, and/or must have a provider agreement with a Child Care Resource Agency.
- (B) A provider of informal child care who is a relative as specified in 106 CMR 308.140(D) or (E) or who provides care in the child's home is not required to register with or be licensed by the Office for Children but must register with the Child Care Resource Agency (CCRA) prior to receiving payment for child-care services provided. Registration shall consist of providing the contracted agency with the information to enable the CCRA to make payment to the provider or to furnish information to the provider. Such information includes, but is not limited to:
 - (1) name;
 - (2) address;
 - (3) Social Security number;
 - (4) date of birth;
 - (5) location of care (e.g., in-home care or care by a relative); and
 - (6) completion of the informal provider checklist.
- (C) All providers of At-Risk Child Care, Child Care and Development Block Grant or State-Funded Income-Eligible Child Care shall meet the following criteria:
 - (1) shall not be included in the definition of a family as specified in 106 CMR 308.110(A) or 308.120(A);
 - (2) shall not be legally responsible for the support of the child;
 - (3) must afford parents unlimited access to their child(ren) during normal hours of provider operation and whenever the child(ren) is in the care of the provider; and
 - (4) shall collect the fee required by 106 CMR 308.150(F).
- (D) The provider of informal At-Risk Child-Care services:
 - (1) may be a grandparent, aunt, uncle, sibling or cousin of the child when care is provided outside the child's home. Proof of relationship, by marriage, blood relationship or court decree, is verified by birth certificates, marriage certificates or other documents which show relationship; or
 - (2) may be any other individual, relative or nonrelative, selected by the parent to provide in-home child care; and
 - (3) shall be 16 years of age or older.

- (E) The provider of informal Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services:
 - (1) may be a grandparent, aunt or uncle of the child when care is provided outside the child's home. Proof of relationship, by marriage, blood relationship or court decree, is verified by birth certificates, marriage certificates or other documents which show relationship; or
 - (2) may be any other individual, relative or nonrelative, selected by the parent to provide in-home child care; and
 - (3) shall be 18 years of age or older.
- (F) A provider of At-Risk Child Care, Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services who does not meet the criteria in 106 CMR 308.140(D) or (E) is classified as a formal child-care provider and subject to the requirements of 106 CMR 308.140(A).
- (G) A provider of At-Risk Child Care, Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services who does not meet the criteria of 106 CMR 308.140(D)(1) or 308.140(E)(1) must meet the health and safety requirements of the Office for Children.

308.150: Payment for Child-Care Services

The payment for child-care services shall be in accordance with 106 CMR 308 et seq. and subject to the following conditions:

- (A) Payment for formal or informal child-care services shall be at rates determined by the Department;
- (B) The Child Care Resource Agency (CCRA) or other Department designated contractor reviews the completed child-care payment request form submitted by the provider for payment of informal child-care services. The parent or caretaker must co-sign the form;
- (C) The payment for informal child-care services may not exceed \$20 per day per child for full-time child care (hours of care are equal to or greater than six hours per day); or \$10 per day per child for part-time child care (hours of care are less than six hours of care per day);
- (D) Child-care services for which payment will be provided may not exceed 10 hours of care per day or 50 hours of care per week per child;
- (E) Out-of-state child-care services must have prior approval from the Office for Children and/or the CCRA for child-care services to be authorized and approved for payment;

Income-Eligible Child-Care Programs

- (F) The family is responsible for paying a fee in accordance with the state subsidized sliding fee scale at 110 CMR 7.075 and 7.076, as the same may be amended periodically. The full fee shall be paid for the first child in care, 50 percent of the fee for the second child in care and 25 percent of the fee for each additional child in care;
- (G) Payment for child-care services shall be denied when the care does not meet the Office for Children requirements designed to protect the health and safety of the child, including safe premises, the prevention and control of infectious diseases, and minimum health and safety training appropriate to the provider setting.

308.160: Verifications(A) Applications and Redeterminations

The parent or caretaker shall be given the opportunity to complete an application for At-Risk Child Care, Child Care and Development Block Grant Program or State-Funded Income-Eligible Child-Care Program at the Child Care Resource Agency (CCRA). An application is a signed and dated request for assistance by the parent or caretaker on a form prescribed by the Department. The application shall list the names, dates of birth of all household members, relationship to the child(ren) and the reason care is required.

A redetermination is a periodic review of the family's circumstances in relation to eligibility for the child-care services and the amount of fees the family must pay in accordance with 106 CMR 308.150(F). At six-month intervals or whenever there is a change in the family size or family income, a redetermination of eligibility for child-care services shall be completed by the CCRA or a Department of Social Services (DSS) contracted provider. A redetermination of eligibility form, as prescribed by the Department, shall be signed and dated by the parent or caretaker and shall list the names, dates of birth for all household members, relationship to the child(ren) and the reason care is required.

The parent or caretaker must be informed of the verification(s) required to determine or redetermine eligibility. Verification(s) must be submitted within 30 days of the signing of the application or redetermination form. If the verification(s) is not submitted within the 30 days, the child-care services shall be denied or terminated. Factors that are not subject to change, such as dates of birth or relationship, need not be reverified at the redetermination unless there is reason to believe the information was inaccurate for which reverification is required.

(B) Age and Relationship of Child

Proof of the child(ren)'s age must be submitted. Age is verified by a birth certificate, a baptismal certificate, passport, hospital birth records, family Bible or genealogical records, Social Security benefit records, Immigration and Naturalization records, court records, or school records.

Income-Eligible Child-Care Programs

Proof of the parent's or caretaker's relationship to the child, legal guardianship or acting as the parent must be submitted.

- (1) Relationship is verified by the child's birth certificate that shows the name(s) of the parent(s) and a marriage certificate, as appropriate, to prove relationship by marriage; or
- (2) Proof of legal guardianship is verified by court documentation; or
- (3) Proof of "acting as the parent of the child" shall be a signed and dated statement stating the reason the child is living with the parent and describing how he or she is exercising care and control of the child.

(C) Living Arrangements of Child

The child(ren) must be living with the parent or caretaker in a place of residence maintained by the parent or caretaker as a home. Living with the parent or caretaker is demonstrated by the child's presence in the home and by the exercise of care and control of the child by the parent or caretaker.

(D) Provider Relationship and Age

- (1) Relationship to the child - A provider of informal child-care services who is a relative as described in 106 CMR 308.140(D)(1) or 308.140(E)(1) must submit proof of relationship verification in accordance with these sections.
- (2) Age of provider - A provider of informal child-care services must meet the age criteria in 106 CMR 308.140(E) and (F). Verification of age is required when the age of the provider appears to be below the minimum age or information is contradictory to the provider's statement of age.

(E) Incapacity of Parent

The physical, medical or emotional incapacity of the parent or caretaker must be verified. Verification shall be by either evidence of the eligibility for Social Security Disability Insurance (RSDI) or Supplemental Security Income (SSI) benefits on the basis of the disability, or a signed and dated written statement from a competent medical authority that certifies that a physical or mental impairment prevents the parent or caretaker from providing the proper care to the child(ren). The statement shall also include an anticipated duration of the incapacity.

Income-Eligible Child-Care Programs

(F) Income

The gross earned and unearned income of the family is considered on a monthly basis and is applied to the determination of eligibility for the At-Risk Child-Care Program, the Child Care and Development Block Grant Program and the State-Funded Income Eligible Child-Care Program. Both earned and unearned income shall be verified at application, when the parent or caretaker reports a change in income, and at the periodic redeterminations of eligibility.

- (1) Earned income is income earned through employment or self-employment. Earned income may be received as wages, salary, tips, commissions, or in-kind. Earned income is the total gross income before any mandatory or voluntary deductions.

Earned income shall be verified by paystubs, pay envelopes, or a written statement signed by an employer. The verification must show the gross wages (including tips, if applicable) and the number of hours worked.

- (a) If the employee is paid weekly, the average of the four consecutive weeks' pay received prior to the application date will be multiplied by $4 \frac{1}{3}$ or 4.333 to obtain an average monthly wage. For employment of less than four weeks initially use the available wage information, and the figure will be revised if necessary when four consecutive weeks of wage information is available.
- (b) If the employee is paid bi-weekly, an average of the last two consecutive pay periods will be multiplied by $2 \frac{1}{6}$ or 2.167 to obtain a monthly figure. If the employee is paid twice a month, the last two consecutive pay periods will be added to obtain a monthly figure.
- (c) If the employee is paid monthly, use the monthly figure.
- (d) If the employee receives a contractual annual salary, the amount to be used is the contractual annual salary divided by 12. Verification of the annual salary should be obtained in the form of a signed copy of the contract or a signed letter stating the annual salary to be received.
- (e) Paystubs, pay envelopes or a written statement signed by an employer showing wages paid and the number of hours worked in the year to date may be used to determine an anticipated monthly wage, provided the number of weeks' pay represented is shown or can be computed. The average weekly earnings derived are multiplied by $4 \frac{1}{3}$ or 4.333 to obtain a monthly figure.
- (f) Self-employment income is verified by means of business records and tax returns showing the total amount of income and the total business expenses associated with the gross income earned. The three most current months' records must be used.

Income-Eligible Child-Care Programs

- (2) Unearned income is income that a person does not earn by the application of his own efforts, or by the application of his own managerial skills. Unearned income includes, but is not limited to:

- (a) Dividends;
- (b) Interest;
- (c) Unemployment Compensation payments;
- (d) Workers' Compensation;
- (e) Pensions;
- (f) Social Security (RSDI) benefits;
- (g) TAFDC or EAEDC benefits;
- (h) Supplemental Security Income (SSI) benefits;
- (i) Veterans' benefits;
- (j) Child support or alimony payments received;
- (k) Certain contributions; and
- (l) Rental income.

Unearned income shall be verified by a copy of the benefit payment check, a current copy of a benefit or award letter, retirement fund documents, social security benefit statements, or a written statement from the agency or person making the payment that indicates the amount and frequency of the payment.

- (3) Noncountable income is income not used in determining the monthly income for the family. Noncountable income includes:
- (a) alimony payments or child support payments made by the applicant or recipient to someone outside the household;
 - (b) capital gains;
 - (c) the cash value of food stamp benefits;
 - (d) the value of USDA-donated food stamp benefits or surplus commodities;
 - (e) the value of assistance received under the Child Nutrition Act of 1966 and the National School Lunch Act;
 - (f) withdrawals of bank deposits;
 - (g) money borrowed;
 - (h) tax refunds;
 - (i) gifts, lump sum inheritances or lump sum insurance payments;
 - (j) loans and grants, such as scholarships the terms of which preclude their use for current living costs;
 - (k) earnings of a child under 14 years of age;
 - (l) income for any youth received under Title III, part C - the Youth Employment Demonstration Program of JTPA;
 - (m) any grant or loan to an undergraduate student for education purposes made or insured under any program administered by the U.S. Commissioner of Education;
 - (n) home produce for consumption by members of the household;
 - (o) any stipend received under the Domestic Volunteer Service Act of 1973 - VISTA stipends;

Income-Eligible Child-Care Programs

- (p) money received from the sale of property, such as stock, bonds, house or car, unless the sale was part of a business;
- (q) funds distributed to, or held in trust for members of any Indian tribe pursuant to a judgment of the Indian Claims Commission or the Court of Claims;
- (r) the tax-exempt portion of payments made under the Alaska Native Claims Settlement Act; and
- (s) Agent Orange Settlement Fund payments made to Vietnam veterans or their survivors, in accordance with Public Law 101-201, effective January 1, 1989.

(4) Calculate the family's total monthly income by:

- (a) Identifying the monthly gross earned income of all family members, excluding any earned income specified above as noncountable income;
- (b) Identifying the monthly unearned income of all family members, excluding any unearned income specified above as noncountable income;
- (c) Adding together the monthly earned and unearned income.

The total monthly income for the family must be below the applicable percentage of monthly state median income in accordance with 106 CMR 308.110(D) or 106 CMR 308.120(D). When the family's monthly income exceeds the percentages indicated in 106 CMR 308.110(D) or 308.120(D), the CCRA or contracted agency will deny or terminate the child-care services.

(G) Educational, Vocational or Training Programs

- (1) An educational program that qualifies the family for Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services includes, but is not limited to the following:
 - (a) a basic or secondary education activity, such as basic literacy, adult basic education, General Equivalency Degree (GED) preparation, English as a Second Language (ESL) or the Young Parents Program (YPP); or
 - (b) a post-secondary activity in a two- or four-year program at a certified public or private institution of higher education that may reasonably be expected to lead to employment;
 - 1. child-care services shall be available to a parent or caretaker who will complete a two-year certificate or associate's program within three years; or will complete a four-year bachelor's degree program within six years;
 - 2. the parent may not already have a bachelor's degree;
 - 3. the educational activities may not go beyond the bachelor's degree level.

Income-Eligible Child-Care Programs

- (2) A vocational or training program shall provide the parent or caretaker with the skills training needed to obtain and maintain employment. The vocational or training program shall not go beyond the bachelor's degree level.

A parent or caretaker who has been accepted for or is actively participating in an educational, vocational or training program shall provide a signed and dated statement from the school or training facility that verifies the parent's or caretaker's participation status and indicates the anticipated course completion date. The parent or caretaker shall be a full-time student as defined by the school or training facility, or be a part-time student and employed part-time for a combined total of at least 30 hours per week. This verification must be provided at application and at periodic redeterminations of eligibility for child-care services.

308.170: Termination or Denial of Child-Care Services

Authorizations for child-care services shall be denied or terminated for circumstances including, but not limited to:

- (A) The parent or caretaker is not employed;
- (B) The parent or caretaker is not attending an educational, vocational, or training program that meets the criteria in 106 CMR 308.160(G);
- (C) The monthly income of the family exceeds the monthly state median income standards in accordance with 106 CMR 308.110(D) or 308.120(D);
- (D) The child(ren) does not meet the age criteria in accordance with 106 CMR 308.110(C) or 308.120(C);
- (E) The parent or caretaker did not submit required verifications;
- (F) The parent or caretaker fails to pay the required sliding child-care fee;
- (G) The Department or the contracted agency determines the child-care services to be unsatisfactory or not in the best interest of the child; or
- (H) The provider does not meet the Office for Children health and safety requirements, as applicable.

When the Department or the contracted agency denies an authorization for child-care services, the parent or caretaker shall be sent a notice of denial that includes the reason for the action, the citation of the regulations supporting the action and the right to a fair hearing.

When the Department or the contracted agency terminates or reduces an authorization for child-care services, the parent or caretaker and the child-care provider shall be sent an advance notice of termination that includes the reason for the action, the citation of the regulations supporting the action and the right to a fair hearing.

Trans. by S.L. 1006

Income-Eligible Child-Care Programs

Chapter 308
Page 308.180

Rev. 12/93

308.180: Right to a Fair Hearing

The parent or caretaker may appeal any denial, reduction or termination of At-Risk Child Care, Child Care and Development Block Grant or State-Funded Income-Eligible Child-Care services, in accordance with 106 CMR 343.230 and 106 CMR 343.250. When an appeal is received within the advance notice period, the benefits may be provided in accordance with 106 CMR 343.250 and 106 CMR 343.640. Assistance provided pending the appeal is subject to recoupment when the decision of the contracted agency is upheld.

308.190: Nondiscrimination

The Department or the agency under contract with the Department shall not discriminate against any individual because of race, sex, religion, age, national origin, color, marital status, handicap or political beliefs. Services under the At-Risk Child-Care Program, the Child Care and Development Block Grant Program or the State-Funded Income-Eligible Child- Care Program are provided to all parents or caretakers on an equal basis.